

**4260. Adulteration of canned pork and beans. U. S. \* \* \* v. 50 Cases \* \* \* of Pork and Beans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6617. I. S. No. 3249-k. S. No. E-320.)**

On June 15, 1915, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 cases, each containing two dozen cans, of a product purporting to be pork and beans, remaining unsold in the original unbroken packages at Elizabethport, N. J., alleging that the product had been shipped and transported from the State of New York into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act. The cans were labeled: "Shepherd Brand (picture of shepherd and flock) Pork and Beans With tomato sauce Contents 1 pound 12 ounces Shepherd Brand Pork and Beans with tomato sauce Hart Brothers Saginaw, Michigan. (picture of collie dog)."

Adulteration of the pork and beans was alleged in the libel for the reason that they consisted in whole or in part of a decomposed vegetable and animal substance.

On July 12, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

(The report of this department, upon which the proceedings in this case were based, did not include a finding that the product consisted of a decomposed animal substance.)

CARL VROOMAN, *Acting Secretary of Agriculture.*

**4261. Adulteration and misbranding of vinegar. U. S. v. 14 Barrels Apple Cider Vinegar. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6627. I. S. No. 3341-k. S. No. E-313.)**

On June 17, 1915, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 20 barrels of so-called apple cider vinegar, remaining unsold in the original unbroken packages at Atlanta, Ga., alleging that the product had been shipped on or about April 13, 1915, by the Brocton Fruit Products Co., Brocton, N. Y., and transported from the State of New York into the State of Georgia, and charging adulteration and misbranding of the article in violation of the Food and Drugs Act. The product was labeled: "Brocton Fruit Products Co., Russet Brand Apple Cider Vinegar, Brocton, N. Y."

Adulteration of the article was alleged in the libel for the reason that a substance other than apple cider vinegar, to wit, distilled vinegar or dilute acetic acid, had been mixed and packed with, and substituted in part for, apple cider vinegar, so as to reduce and lower and injuriously affect the quality of said food product.

Misbranding was alleged for the reason that the product was labeled "Apple Cider Vinegar," when, in fact, it was not apple cider vinegar, but contained distilled vinegar or dilute acetic acid, and the same was labeled so as to deceive and mislead the purchaser to believe that said product was pure apple cider vinegar, when, in fact, it contained distilled vinegar or dilute acetic acid.

On July 12, 1915, the said Brocton Fruit Products Co., claimant, having admitted the allegations contained in the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of all the costs of the proceedings and the execution of bond in the sum of \$250, in conformity with section 10 of the act, one of the conditions being that the article should be rebranded.

CARL VROOMAN, *Acting Secretary of Agriculture.*